

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

WENDY BERRY, *et al.*,
Plaintiffs,

Case No. 1:18-cv-326
Litkovitz, M.J.

v.

ORDER

FIRSTGROUP AMERICA, INC., *et al.*,
Defendants.

Plaintiffs initiated this Employee Retirement Income Security Act of 1974 (“ERISA”) action individually and as representatives of similarly situated class members. The class has been certified (Doc. 92), and the parties have jointly notified the Court that all parties have reached an agreement in principle to settle all claims on a class-wide basis (Doc. 173). Pursuant to 28 U.S.C. § 636(c) and Federal Rule of Civil Procedure 73, this matter has been referred to the undersigned to conduct preliminary settlement approval, certification, and final settlement approval, including the entry of judgment and any post-trial proceedings related to the settlement. (Doc. 177).

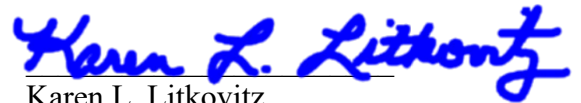
IT IS THEREFORE ORDERED THAT:

Subject to refile if final settlement approval is not achieved, the following motions are **DENIED AS MOOT:**

1. Defendants’ motion for summary judgment (Doc. 107);
2. Plaintiffs’ motion for preliminary approval of a partial class action settlement (Doc. 144);
3. Defendants’ motion to file documents under seal (Doc. 148);
4. Defendants’ motion to exclude opinions of plaintiffs’ expert (Doc. 156);
5. Defendants’ motion to file documents under seal (Doc. 158);

6. Joint motion to set briefing schedule (Doc. 160);
7. Plaintiffs' motion to file documents under seal (Doc. 164); and
8. Defendant Aon Hewitt Investment Consulting, Inc.'s unopposed motion to seal
unredacted versions of specified documents (Doc. 165).

Date: 8/1/2024


Karen L. Litkovitz
United States Magistrate Judge